REMARKS

This Response is submitted in reply to the Office Action dated June 24, 2009. Claims 1 to 5, 7 to 12, 14 and 15 are pending in the present application. Claims 6 and 13 stand canceled. Claims 1 to 5, 7 to 12, 14 and 15 are hereby amended. Claims 1 to 5, 7, 11 and 12 are in independent form. Please charge Deposit Account No. 02-1818 for all payments due in connection with this Response.

The Office Action rejected Claims 1, 2, 7 to 12, 14 and 15 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2004/0044732 to Fushiki et al. ("Fushiki") in view of U.S. Patent No. 7,271,809 to Fedorovskaya et al. ("Fedorovskaya"). In view of the amendments made herein, Applicant respectfully disagrees with these rejections.

Fushiki discloses a system and method for image editing. The Abstract of Fushiki discloses:

> A system and method for editing images. Each image editing operation is described by a few parameters. Multiple users can share image processing changes by sharing a few set of parameters instead of the whole bitmaps of the images. An Editing List describes the parameters defining the image changes. The size of Editing List is very small and is ideal for network transmission and collaboration. Image Editing Lists are independent of the images themselves. By decoupling the Image Editing Lists from the original bitmap images, other advantages are obtained. For instance, the same Editing List can be applied to other images and also to multiple images at the same time. Rendering of the modified images can be performed at a later time and only when necessary. In case of collaborative editing, the transmission time is reduced drastically.

Fedorovskaya discloses a method for using viewing time to determine affective information in an imaging system. The Abstract of Fedorovskaya discloses:

> A method for determining affective information for at least one image in an imaging system includes sequentially displaying a plurality of digital images for viewing by a user; monitoring the viewing time for each of the plurality of digital images; and using the viewing time to determine affective information for at least one of the digital images.

Page 3 of the Office Action stated:

> it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Fushiki to include wherein a ranking and popularity are associated with each tile, the ranking having a predetermined associated content as taught by Fedorovskaya in order to support behavioral

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image editing, thereby allowing the selection of favorite imaged based on user behavior or mood.

Applicant respectfully disagrees and submits that even if properly combined, neither Fushiki or Fedorovskaya individually, nor the information processing system resulting from the combination of Fushiki and Fedorovskaya disclose "at least one memory device storing instructions, which when executed by the at least one processor cause the at least one processor to operate with the first information processing apparatus and the second information processing apparatus to . . . (f) select a file based on said received first predetermined ranking, said file including a first image of a second tile and a second image of a third tile, said file having a tile counter value; (g) after the file is selected, read the first image; (h) increment the tile counter value; (i) after said tile counter value is incremented, for a second selection of the file, read the second image; and (j) cause the second information processing apparatus to transmit, to the first information processing apparatus, a resultant content obtained by combining the second content with the first content." Additionally, it would not have been obvious to one of ordinary skill in the art to modify Fushiki and Fedorovskaya to result in such an information processing system without reasonably being construed as improper hindsight reconstruction. On the other hand, the information processing system of amended independent Claim 1 includes, among other elements, "at least one memory device storing instructions, which when executed by the at least one processor cause the at least one processor to . . . (f) operate with the first information processing apparatus and the second information processing apparatus to: select a file based on said received first predetermined ranking, said file including a first image of a second tile and a second image of a third tile, said file having a tile counter value; (g) after the file is selected, read the first image; (h) increment the tile counter value; (i) after said tile counter value is incremented, for a second selection of the file, read the second image; and (j) cause the second information processing apparatus to transmit, to the first information processing apparatus, a resultant content obtained by combining the second content with the first content."

No new matter has been added by such amendments. Support for the amendments can be found in the Specification, for example, in at least paragraphs [0107] to [0114] and Fig. 24 of the present application.

For at least these reasons, it is respectfully submitted that independent Claim 1 is patentably distinguished over Fushiki and Fedorovskaya and in condition for allowance.

Independent Claims 2, 7, 11 and 12 each include certain similar elements to independent Claim 1. For reasons similar to those discussed above with respect to independent Claim 1, independent Claims 2, 7, 11 and 12 (and dependent Claims 8 to 10, 14 and 15) are each patentably distinguished over Fushiki and Fedorovskaya and in condition for allowance.

The Office Action rejected Claims 3 to 5 under 35 U.S.C. §103(a) as being unpatentable over Fushiki in view of U.S. Patent No. 6,587,156 to Stubler ("Stubler") in view of Fedorovskaya. In view of the amendments made herein, Applicant respectfully disagrees with these rejections.

Stubler discloses a method for detecting mosaic fades in digitized video. The Abstract of Stubler discloses:

> A method for automatically detecting a segment where a mosaic fade, formed by a plurality of tiles, occurs in a digital video, the method comprising the steps of: locating the segment of the digital video containing the plurality of tiles in each frame; detecting whether the tiles, within the located segment, have a predetermined increase or decrease in size from one frame to a next frame; identifying a boundary of the mosaic fade based on the previous step.

Page 12 of the Office Action stated:

> it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Fushiki to include detection means for detecting a tile being displayed in the content; holding means for holding information of the tile detected by the detection means as taught by Stubler in order to support automatic tile detection, thereby allowing for drawing a bindery between digitized videos.

Applicant respectfully disagrees and submits that even if properly combined, neither Fushiki, Stubler or Fedorovskaya individually, nor the information processing apparatus resulting from the combination of Fushiki, Stubler and Fedorovskaya disclose "a memory device storing instructions, which when executed by the processor cause the processor to . . . (b) detect: (i) a first identification of a first tile being displayed by a display device; and (ii) a second identification of a second tile being displayed by the display device, wherein a ranking and popularity are associated with the tile, the ranking having a predetermined associated content; and (c) generate and transmit information of the detected tiles to the another information processing apparatus, wherein the generated and transmitted information includes the detected first identification of the first tile and the detected second identification of the second tile."

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Additionally, it would not have been obvious to one of ordinary skill in the art to modify Fushiki, Stubler and Fedorovskaya to result in such an information processing system without reasonably being construed as improper hindsight reconstruction. On the other hand, the information processing apparatus of amended independent Claim 3 includes, among other elements, "a memory device storing instructions, which when executed by the processor cause the processor to . . . (b) detect: (i) a first identification of a first tile being displayed by a display device; and (ii) a second identification of a second tile being displayed by the display device, wherein a ranking and popularity are associated with the tile, the ranking having a predetermined associated content; and (c) generate and transmit information of the detected tiles to the another information processing apparatus, wherein the generated and transmitted information includes the detected first identification of the first tile and the detected second identification of the second tile."

No new matter has been added by such amendments. Support for the amendments can be found in the Specification, for example, in at least paragraphs [0070] to [0077] and Fig. 10 of the present application.
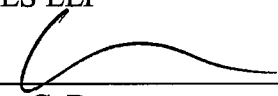
For at least these reasons, it is respectfully submitted that independent Claim 3 is patentably distinguished over Fushiki, Stubler and Fedorovskaya and in condition for allowance. Independent Claims 4 and 5 each include certain similar elements to independent Claim 3. For reasons similar to those discussed above with respect to independent Claim 3, independent Claims 4 and 5 are each patentably distinguished over Fushiki, Stubler and Fedorovskaya and in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance, and allowance is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

K&L GATES LLP

BY _____

Thomas C. Basso
Reg. No. 46,541
Customer No. 29175
Phone: (312) 807-4310

Dated: September 21, 2009